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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,348	08/08/2001	Stephen K. Scolamiero	B01-27	3028

7590  
Troy R. Lester  
Acushnet Company  
333 Bridge Street  
Fairhaven, MA 02719

10/07/2003

EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/924,348

Applicant(s)

SCOLAMIERO, STEPHEN K.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a) using a medium of particles.
- b) using a fluid medium.
  - B1) liquid
  - B2) air
- c) using a convection oven as the medium.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-8 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Troy Lester on 9/25/03 a provisional election was made without traverse to prosecute the invention of species (a), claims 9-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it uses the phrase " The present invention is directed to" (line 1). Correction is required. See MPEP § 608.01(b).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bissonette et al (USPN 6093357) in view of Schichman et al (USPN 3965055). In regard to claim 1, Bissonette et al teach the basic claimed process including a method of forming a core of a golf ball (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3); providing a core material (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3); compression molding the core material in a mold cavity at a first predetermined temperature for a first predetermined time such that the core material becomes a partially-cured core (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3); and forming a substantially-cured core (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3). Bissonette et al does not teach placing the partially cured core in a medium at a second predetermined temperature for a second predetermined time. Schichman et al teach curing a rubber product by partially curing the product in a mold then curing the partially cured product in an air oven or microwave oven (col 8, lns 56-67; col 24, lns 68-75, lns 20); and forming a rubber composition in golf ball mold and then curing the shaped product in a hot air oven or a microwave oven (col 8, lns 56-67; col 24, lns 68-75, lns 20). Bissonette et al and Schichman et al are combinable because they are analogous with respect to partially curing a golf ball product and then substantially curing the golf

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ball product. It would have been obvious to one of ordinary skill in the art at the time the invention was made to cure the partially cured core of Bissonette et al with the hot air oven or microwave oven of Schichman et al in order to reduce cycle time by freeing up the compression mold. In regard to claims 2-8, Bissonette et al teach setting the first predetermined temperature between about 250F and about 500F (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3); setting the first predetermined time between about 3 minutes and about 30 minutes (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3); and setting the first predetermined temperature between about 300F and 400F (col 3, lns 49-53; col 10, lns 57-59; col 11, lns 8-14; col 12, lns 10-16; figs 1-3). However, Bissonette et al does not teach setting the second predetermined temperature to be substantially greater than the first predetermined temperature; setting the second predetermined temperature within the claimed ranges; and setting the second predetermined time within the claimed range. In regard to setting the second predetermined temperature within the claimed ranges and setting the second predetermined time within the claimed range, curing parameters such as temperature and duration are well-known in the molding art as important molding parameters and the desired temperature and duration would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and duration are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the a temperature and duration with the claimed ranges in the process of Bissonette et

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al (modified) in order to form a substantially cured core that can be used to produce a golf ball.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bissonette et al (USPN 6093357) in view of Schichman et al (USPN 3965055) as applied to claim 1 above and further in view of Watson et al (USPN 3072968). The above teachings of Bissonette et al and Schichman et al are incorporated hereinafter. Bissonette et al (modified) does not teach using a plurality of solid particles as the medium; using particles having a size from 40 micron to 0.1 inch; and using particles having an average specific heat value within the claimed range. Watson et al teach curing rubber by contacting the rubber with solid particles having an average size of 0.002 inch to 0.1 inch (col 1, Ins 40-51; col 2, Ins 4-6); and using a fluid particle bed to cure instead of an oven because it does not require careful sealing, does not necessarily involve materials which are unpleasant to handle or which cause contamination of the rubber, and does not have disadvantages arising from poor heat transfer (col 1, Ins 40-51). Bissonette et al (modified) and Watson et al are combinable because they are analogous with respect to curing a rubber composition. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fluid particle bed of Watson et al instead of the oven of Bissonette et al (modified) to cure the partially cured core of Bissonette et al in order to reduce molding complexity and ensure the molding of high quality core. In regard to using particles having an average specific heat value within the claimed range, average specific heat value is well-known in the molding art as an important parameter for particle heating

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beds and the desired average specific heat value would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed value is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the particles having a value within the claimed range in order to ensure sufficient heat transfer to cure the partially cured core of Bissonette et al.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ladd et al (USPN 6180040) teaches curing a partially cured golf ball core assembly. Brustad et al (USPN 5051226) teach using a fluid particle bed to cure plastic components. Gendreau et al (USPN 4692497) teach a two step curing process to form a golf ball.

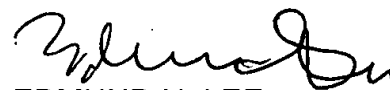
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

  
EDMUND H. LEE  
Primary Examiner  
Art Unit 1732  
9/26/03

EHL